

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE: ) Chapter 7  
 )  
 ) Case No. 16-21973  
PETAR TISMA, )  
 )  
 )  
Debtor. ) Honorable Jack B. Schmetterer  
 )  
 ) Hearing Date: March 26, 2019  
 ) Hearing Time: 10:30 a.m.

**NOTICE OF APPLICATION**

**TO:** See Attached Service List

**PLEASE TAKE NOTICE** that on March 26, 2019 at 10:30 a.m., the undersigned shall appear before the Honorable Jack B. Schmetterer, or whomever may be sitting in his place and stead, in courtroom 682, United States Bankruptcy Court for the Northern District of Illinois, Eastern Division, 219 S. Dearborn, Chicago, IL 60604 and will then and there present the **First and Final Fee Application of Shaw Fishman Glantz & Towbin LLC as Counsel to Chapter 7 Trustee for Allowance of Compensation and Reimbursement of Expenses and Related Relief**, at which time you may appear if you deem fit.

Dated: March 1, 2019

Respectfully submitted,

*/s/ Ira Bodenstein* \_\_\_\_\_  
Ira Bodenstein (# 3126857)  
FOX ROTHSCHILD LLP  
321 N. Clark Street, Ste. 800  
Chicago, IL 60654  
Tel: (312) 541-0151  
ibodenstein@foxrothschild.com  
*Counsel to the Chapter 7 Trustee*

**CERTIFICATE OF SERVICE**

Ira Bodenstein certifies that he caused to be served a true copy of the above and foregoing **Notice of Application and First and Final Fee Application of Shaw Fishman Glantz & Towbin LLC as Counsel to Chapter 7 Trustee for Allowance of Compensation and Reimbursement of Expenses and Related Relief**, upon the attached Service List in the manner indicated on this 1st day of March, 2019

/s/ Ira Bodenstein

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**Electronic Mail Notice List – Case No. 16-21973**

The following is the list of parties who are currently on the list to receive email notice/service for this case.

- William J. Barrett william.barrett@bfkn.com, mark.mackowiak@bfkn.com;gregory.demo@bfkn.com;ecf-6ec602372536@ecf.pacerpro.com;william-barrett-bfkn-3622@ecf.pacerpro.com
- Ira Bodenstein iratrustee@foxrothschild.com, IL29@ecfcbis.com;plove@foxrothschild.com;chdocket@foxrothschild.com
- Ira Bodenstein iratrustee@shawfishman.com, IL29@ecfcbis.com;plove@foxrothschild.com;chdocket@foxrothschild.com
- Scott R Clar sclar@cranesimon.com, mjoberhausen@cranesimon.com;asimon@cranesimon.com
- Denise A Delaurent USTPRegion11.es.ecf@usdoj.gov, Denise.DeLaurent@usdoj.gov;maria.r.kaplan@usdoj.gov
- Richard M. Fogel rfgogel@foxrothschild.com
- Nathan A Hall nate@chs.law, claudia@chs.law
- Patrick S Layng USTPRegion11.ES.ECF@usdoj.gov
- Christina Sanfelippo csanfelippo@foxrothschild.com, orafalovsky@foxrothschild.com

**Via U.S. Regular Mail**

Petar Tisma  
2729 Maynard Court  
Glenview, IL 60062

PYOD, LLC its successors and assigns  
as assignee of Citibank, N.A.  
Resurgent Capital Services  
P.O. Box 19008  
Greenville, SC 29602

Illinois Department of Revenue  
Bankruptcy Section  
P.O. Box 19035  
Springfield, IL 62794

Revere Electric Supply Co.  
Joel H. Shapiro  
Kameneck Kadison Shapiro & Craig  
20 N. Clark Street  
Suite 2200  
Chicago, IL 60602

American Express Bank, FSB  
c/o Becket and Lee LLP  
P.O. Box 3001  
Malvern, PA 19355-0701

Small Business Term Loan, Inc.  
Alex Nelsas  
3301 North University Drive, Suite 300  
Coral Springs, FL 33065

Cavalry SPV I, LLC  
500 Summit Lake Drive  
Suite 400  
Valhalla, NY 10595

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**COVER SHEET FOR APPLICATION FOR PROFESSIONAL COMPENSATION**

Name of Applicant:	Shaw Fishman Glantz & Towbin LLC			
Authorized to Provide Professional Services to:	Ira Bodenstein, Chapter 7 Trustee			
Date of Order Authorizing Employment:	May 9, 2017			
Period for Which Compensation is Sought:	May 9, 2017 – December 28, 2017			
Amount of Fees Sought:	\$6,063.00 <sup>1</sup>			
Amount of Expense Reimbursement Sought:	\$60.66			
This is a(n):	<input type="checkbox"/>	Interim Application	<input checked="" type="checkbox"/>	Final Application
If this is <u>not</u> the first application filed herein by this professional, disclose as to all prior fee applications:				
Date Filed	Period Covered	Total Requested (Fees and Expenses)	Total Allowed	Any Amount Ordered Withheld
N/A	N/A	N/A	N/A	N/A
Applicant: Shaw Fishman Glantz & Towbin LLC		Shaw Fishman Glantz & Towbin LLC		
Date: February ___, 2019		By: <u>/s/ Ira Bodenstein</u> One of its Members		

<sup>1</sup> During the relevant period, Shaw Fishman Glantz & Towbin LLC rendered legal services to the Trustee in the total amount of \$5313.00, but has included the amount of \$750.00 to prepare and file this fee application as well as any court appearances which may be necessary in support thereof.

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**FIRST AND FINAL FEE APPLICATION OF SHAW FISHMAN GLANTZ &  
TOWBIN LLC AS COUNSEL TO CHAPTER 7 TRUSTEE FOR ALLOWANCE OF  
COMPENSATION AND REIMBURSEMENT OF EXPENSES AND RELATED RELIEF**

Shaw Fishman Glantz & Towbin LLC (“Shaw Fishman”), applies to this Court pursuant to 11 U.S.C. §§ 330 and 331, Fed. R. Bankr.P. 2002(a)(6), 2016(a) and Local Bankruptcy Rule 5082-1 for: (a)(1) the total allowance and approval, on an interim and final basis, of \$6,303.00<sup>1</sup> in new compensation for 17.60 hours of professional services rendered by Shaw Fishman as bankruptcy counsel to Ira Bodenstein, solely in his capacity as the chapter 7 trustee (the “Trustee”) for the bankruptcy estate of Petar Tisma (the “Debtor”), for the period beginning May 9, 2017 through and including December 28, 2017 (the “Application Period”); and (ii) allow and approve, on an interim and final basis, the reimbursement of \$60.66 for actual costs incurred incident to those services. In support of this application (the “Application”), Shaw Fishman states as follows:

**JURISDICTION, BACKGROUND AND SIGNIFICANT EVENTS**

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<sup>1</sup> During the relevant period, Shaw Fishman through its predecessor firm Shaw Fishman Glantz & Towbin LLC rendered legal services to the Trustee in the total amount of \$5313.00, but has included the amount of \$750.00 to prepare and file this fee application as well as any court appearances which may be necessary in support thereof.

1. This Court has jurisdiction over the Application under 28 U.S.C. §§ 157 and 1334, and Internal Operating Procedure 15 (a) of the United States District Court for the Northern District of Illinois.

2. Venue of this proceeding is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

3. On July 8, 2016 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Illinois. On the Petition Date, the Trustee was appointed chapter 7 trustee of the Debtor’s estate.

4. On May 2, 2017, the Trustee filed the Application of Trustee for Authority to Employ Counsel [Dkt. No. 66] (the “Shaw Fishman Retention Application”) to retain John Guzzardo and the law firm of Shaw Fishman Glantz & Towbin LLC (collectively, “Shaw Fishman”) as bankruptcy counsel in connection with the above-captioned bankruptcy case pursuant to 11 U.S.C. §§ 327 and 330 and Fed. R. Bankr. P. 2014.

5. On May 9, 2017, the Court entered an order [Dkt. No. 68] granting the Shaw Fishman Retention Application.

#### **SERVICES RENDERED BY SHAW FISHMAN**

6. During the Application Period, Shaw Fishman assisted the Trustee, with, among other things, the investigation and prosecution of certain claim objections and the retention of professionals.

7. The Shaw Fishman statement of services rendered and expenses incurred (the “Invoice”) for the Application Period are attached hereto as “Exhibit A“ and incorporated herein

by reference. The Invoice provides detailed descriptions of all services rendered, as well as the timekeeper, date, and amount of time expended.

8. In the aggregate, Shaw Fishman attorneys and paralegals rendered 17.60 hours of legal services to the Trustee in connection with this Case during the Application Period. All of the services reflected on the attached Invoices pertain to this Case and were rendered at the request of the Trustee in the exercise of his duties under 11 U.S.C. § 1106. At the customary hourly rates charged by Shaw Fishman's attorneys and paralegals, the aggregate amount due Shaw Fishman for the services rendered during the Application Period is \$5,313.00, for an average hourly rate of approximately \$301.87. The expenses for which reimbursement is requested are those customarily charged by Shaw Fishman to all of its clients. The aggregate expense reimbursement reflected on the attached Invoices sought by this Application is \$60.66.

9. The hourly rates charged by Shaw Fishman with respect to its legal services compare favorably with the rates charged by other Chicago metropolitan firms having attorneys and paralegals with similar experience and expertise as the Shaw Fishman's professionals. Further, the amount of time spent by Shaw Fishman is reasonable given the nature of the services rendered and the ultimate benefit to the Estate.

10. In an effort to provide the court and parties in interest with understandable information concerning the amount and nature of Shaw Fishman's services during the Application Period, and in compliance with Local Bankruptcy Rule 5082-1, Shaw Fishman has classified its services into three (3) separate categories of services, as follows:

Description	Total Hours	Total Fees Incurred
Case Administration	.90	\$472.50

Claim Objections	10.40	\$3,139.50
Retention of Professionals	6.30	\$1,701.00
<b>TOTAL</b>	<b>17.6</b>	<b>\$5,313.00</b>

11. The following is a separate description of each of Shaw Fishman's principal categories of activities, which generally describe the tasks performed. The Invoices provide detailed descriptions of all services rendered in each of the following categories and the timekeeper, date and amount of time expended in each category. Summary charts for each category setting forth each professional who rendered services, total time and value of services, and the total dollar value are also provided herein as follows:

**Case Administration**

12. Shaw Fishman expended .90 hours of professional services having a value of \$472.50 pertaining to the investigation and compromise of the claim of Nortech to certain bank account funds received by an affiliate of the Debtor.

13. The chart below is a summary of the total amount of time entered by each timekeeper for this category during the Application Period, as well as the corresponding dollar value of those services.

Professional	Hours	Amount
Ira Bodenstein	.90	\$472.50

**Claim Objections**

14. Shaw Fishman expended 10.40 investigating and successfully prosecuting claim objections with respect to fled proofs of claim for which the Debtor's estate had no liability.

15. The chart below is a summary of the total amount of time entered by each timekeeper for this category during the Application Period, as well as the corresponding dollar value for the services.

<b>Professional</b>	<b>Hours</b>	<b>Amount</b>
Ira Bodenstein	1.3	\$ 682.50
Christina M. Sanfelippo	9.1	\$2,457.00

**Retention of Professionals**

16. Shaw Fishman expended 6.30 hours of professional services having a value of \$1,701.00 pertaining to the Trustee's applications to retain counsel and an accountant to determine whether it was necessary for the estate to file a tax return.

17. The chart below is a summary of the total amount of time entered by each timekeeper for this category during the Application Period, as well as the corresponding dollar value of those services.

<b>Professional</b>	<b>Hours</b>	<b>Amount</b>
Christina M. Sanfelippo	6.3	\$1,701.00

**SUMMARY OF SERVICES RENDERED BY PROFESSIONAL**

18. In summary, the total compensation sought for each professional with respect to the aforementioned categories is as follows:

<b>Professional</b>	<b>Position</b>	<b>Hourly Rate</b>	<b>Billed Hours</b>	<b>Amount</b>
Ira Bodenstein	Member	\$525.00	2.2	\$1,155.00
Christina M. Sanfelippo	Associate	\$270.00	15.4	\$4,158.00
<b>TOTAL</b>			<b>17.6</b>	<b>\$5,313.00</b>

19. In evaluating this Application, this Court should consider the following: (a) the value of the services rendered by Shaw Fishman on behalf of the Trustee; (b) the nature and complexity of the issues presented; (c) the skill required to perform the legal services properly; (d) the customary fees charged by other professionals in this case and in similar cases; the experience and ability of the professionals involved; and (f) the amount of compensation awarded in similar cases. When viewed either individually or collectively, these factors support an award of the requested compensation in full.

20. Shaw Fishman has conscientiously attempted to avoid having multiple attorneys appear on behalf of the Trustee. To the greatest extent possible, meetings, court appearances, negotiations and other matters were handled on an individual basis.

21. Given the criteria set forth in 11 U.S.C. § 330, namely: (a) the nature, extent and value of the services; (b) the time spent; (c) the rates charged for such services; (d) the performance of the services within a reasonable amount of time commensurate with the complexity, importance and nature of the problem, issue or task addressed; and (e) the reasonableness of the services based on the compensation charged by comparably skilled practitioners in other bankruptcy and non-bankruptcy matters, Shaw Fishman respectfully submits that the requested compensation represents a fair and reasonable amount that should be allowed in full and on a final basis.

**EXPENSES**

22. The aggregate amount of expenses for which reimbursement is being sought is \$60.66. All of the expenses for which reimbursement is requested are expenses which Shaw Fishman customarily recoups from its clients. An itemization of the expenses is attached hereto as part of Exhibit A. The types of costs for which reimbursement is sought are listed below:

Internal Photocopy	10¢ per page
Overnight Delivery (e.g., Federal Express)	actual cost
Filing Fees	actual cost
Miscellaneous	actual cost
On Line Legal or Factual Research (Pacer)	actual or prorated percentage cost
Postage	actual cost
Process Server	actual cost
Westlaw	actual or prorated percentage cost
Local Telephone	Actual cost
Outgoing/Incoming Facsmiles	No cost
Local and Long Distance Travel	Actual cost
Recording Fees	Actual costs
Deposition Costs	Actual costs

23. The specific expenses for which reimbursement is requested during the Application Period are as follows:

Postage	\$ 16.08
Pacer	\$ 15.90
Westlaw	\$ 16.17
Parking/Taxi	\$ 12.51

24. All of the expenses for which reimbursement is requested are actual and necessary expenses, which Shaw Fishman incurred in the course of providing services to the Trustee. All expenses were billed in the same manner as Shaw Fishman bills its non-bankruptcy clients.

Further, the expenses for which reimbursement is sought constitute the types and amounts previously allowed by bankruptcy judges in this and other judicial districts.

**COMPLIANCE WITH 11 U.S.C. § 504**

25. Other than as provided for and allowed by 11 U.S.C. § 504, there is no agreement between Shaw Fishman and any other firm, person or entity for the sharing or division of any compensation payable to Shaw Fishman.

**NOTICE**

26. Notice of this Application has been provided in accordance with Federal Rule of Bankruptcy Procedure 2002(a)(6) to (i) the Office of the United States Trustee; (ii) counsel for the Debtor; (iii) all creditors requesting notice in this case; and (iv) all creditors who filed proofs of claim. Shaw Fishman requests that the Court finds this notice sufficient under the circumstances.

**CONCLUSION**

WHEREFORE, Shaw Fishman Glantz & Towbin LLC respectfully requests the entry of an order, substantially in the form attached hereto, that:

- a) Approves and allows Shaw Fishman's compensation in the amount of \$6,063.00, on a final basis, for services provided during the Application Period beginning May 9, 2017 through and including December 28, 2017;
- b) Approves and allows Shaw Fishman \$60.66 in expense reimbursement, on a final basis, for expenses incurred during the Application Period beginning May 9, 2017 through and including December 28, 2017;
- c) Authorizes the Trustee to pay Shaw Fishman \$6,063.00 in allowed fees;
- d) Authorizes the Trustee to pay Shaw Fishman \$60.66 in allowed expenses; and
- e) Provides Shaw Fishman with such additional relief as may be appropriate and just under the circumstances.

Respectfully submitted,

SHAW FISHMAN GLANTZ & TOWBIN LLC

Dated: March 1, 2019

By: /s/ Ira Bodenstein  
Ira Bodenstein  
321 North Clark Street, Suite 800  
Chicago, IL 60654  
Tel: (312) 541-0151  
Fax: (312) 980-3888

*Counsel for the Trustee*